



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/785,233 | 02/24/2004 | Ayman Esam Nassar | NASS01-00120 | 1046 |
| 34399 | 7590 | 11/10/2008 | EXAMINER | |
| GARLICK HARRISON & MARKISON P.O. BOX 160727 AUSTIN, TX 78716-0727 | | | | SWEET, LONNIE V |
| ART UNIT | | PAPER NUMBER | | |
| 2419 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 11/10/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/785,233 | NASSAR, AYMAN ESAM | |
| | Examiner | Art Unit | |
| | LONNIE SWEET | 2419 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 August 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-11 and 13-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1, 3-11, and 13-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/28/2008</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 11, 16, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanan US 7,346,771 (hereinafter Nara) and Ananian US 2003/0028451 (hereinafter Ana).

Regarding **claims 1 and 11**, Nara teaches a telecommunications system for provisioning an inter-provider internet protocol service (i.e., SLA), that consists of a first network and second network managed by a first and second service provider respectively, labeled ISP1 and ISP2, having a plurality of resources, such as gateways and gateway protocols, whereby the second network is capable of receiving a request

for the inter-provider IP service (i.e. SLA) [See Nara, Fig. 1, Elements 10 (telecom system); 16 (first network and ISP1); 18 (second network and ISP2); 26, 28, 38 and 40 (Gateway/gateway protocols for ISP1); and 30, 32, 42, and 43 (Gateway/gateway protocols for ISP2), Column 5, Lines 29-34]. Within the networks Nara teaches that routing tables maintain and exchange updated path reach-ability information related to other routers of between routers in their current network and between routers of a different network different networks [Nara, Column 5, Lines 1-9 and 22-34]. In addition to exchanging reach-ability information, Nara teaches the presence of determined additional resources, identified as public keys and other cryptography resources, which correspond to the routers are needed for securely communicating between networks based on reach-ability information and SLA [Nara Column 5, Lines 8-34 and Column 6, Lines 14-27]. Lastly, Nara teaches that provision occurs automatically as part of protocol exchange message process between the first network and the second network using cryptography [Nara, Column 6, Lines 8-11], but Nara does not teach the information to be distributed anonymously.

However, Ana discloses the anonymous distribution of information [Ana, Paragraph 2].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Nara indicating a telecommunications system indicating the provisioning of resources and services between networks, the teachings of Ana indicating that a networking system may perform various duties anonymously. The resulting benefit would have been a system offering increase security by anonymously inter-networking.

Regarding **claims 6, 7, 16, and 17**, Nara teaches a telecommunications system [Nara Figure. 1, Element 10] with a means for calculating real-time cost information prior to provisioning services such as cost, traffic characteristics and peering points, described as SLA attributes. In which the agreed upon attributes between devices, which serve as evidence of a comparison, are interpreted as the cost requirements and the cost information of the system, and as a result of the agreement of the SLA, also interpreted as an electronic contract, determine whether to utilize cryptographic resources [Nara, Column 5, Lines 22-53].

Regarding **claim 23**, the telecommunications system consist of resources that include network, hardware, and software resources such as, routing paths, routers, and routing protocols respectively [Nara, Column 3, Lines 28-35].

Claim 3-5, 8-10, 13-15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nara, in view of Ana, and further in view of Ramstrom et al. US 5,960,004 (hereinafter Ramstrom).

Regarding **claims 3 and 13**, the combination of Nara and Ana teaches the telecommunications system of Claim 1, but fails to teach a unified and integrated switch connected to said first network and said second network, said unified and integrated switch having common resources, a first portion of the common resources being

dedicated to the first service provider and being capable of being configured by the first service provider, a second portion of the common resources being dedicated to the second service provider and being capable of being configured by the second service provider.

However, Ramstrom teaches a switch component [See Ramstrom, Fig. 6, Element 52] that connects a plurality of network nodes shown as elements 53, 54, 55, and 56. The switch 52 consists of application modules shown as elements 65, 66, and 67 to handle the functions of the networks connecting to it. The switch further includes common resources 69 being dedicated to each network node [See Ramstrom, Fig. 6, Column 8, lines 30-52]. Additionally, Ramstrom shows that the switch can support different services for the many network nodes as long as the required software is added to the application modules [Ramstrom, Column 2, Lines 14-21]. Since the common resources are accessible by network modules, it is evident that the sources can be configured according to the service a particular network node is compatible with.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Nara and Ana to include a switch for connecting the networks and for configuring the shared resources as taught by Ramstrom. The benefiting result of the combination would be the allowance of multiple specific telecommunication applications to be performed with optimum functionality within the same switch device [Ramstrom, Column 3, Lines 10-15].

Regarding **claims 4 and 14**, the combination of Nara and Ana teaches the telecommunications system of Claim 3. However, it fails to teach the unified and integrated switch which includes a first logical communications node associated with the first service provider and capable of being dynamically configured in a customized manner by the first service provider and a second logical communications node associated with the second service provider and capable of being dynamically configured in a customized manner by the second service provider.

However, Ramstrom illustrates in Figure 6, a software system of the network consisting of a single exchange, element 51, having a plurality of separate logical nodes and functionality of those nodes and interconnections between them is incorporated into single exchange, element 52, containing the software system [Ramstrom, Column 8, Lines 11-58]; element 52 being a switch consisting of different modules supporting a variety of services according to the network nodes. Since the single exchange 53 is functionally dependent on the switch device 52 for service, it is evident that the logical nodes are a part of the switching entity. It is also noted that a switch can render different services to their respective subscribers by having the switch programmed with the functionality required for each type of telecommunication service to be rendered [Ramstrom, Column 2, Lines 6-13].

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the communication system teaching of Nara and Ana to associate a first logical node to a first service provider and having the service provider configuring the node to offer services compatible to its client network and to associate a

second logical node to a second service provider and having the service provider configuring the node to offer services compatible to its client network of Ramstrom. The benefiting result of the combination would be the implementation of assigned service elements [Ramstrom, Column 3, Lines 64-67].

Regarding **claims 5 and 15**, Nara teaches the telecommunications system of Claim 3, but fails to teach the unified and integrated switch is within said first network, the first service provider being a wholesale service provider, the second service provider being a retail service provider.

However, Ramstrom discloses in Figure. 5 an illustrative diagram of multiple networks, or exchanges interconnected with one another in a communication network. It is disclosed that a local exchange 31 serves its local subscribers, or end users, and connected via trunk lines to another 33, which is in turn connected to the international gateway exchange 34. The international exchange 38, for example, consists national exchange 40 which includes a plurality of subscribers and are connected by means of trunk lines 41 [Ramstrom, Column 7, Lines 55-64]. Thus, the marketplace reflects an implementation of supporting services between local subscribers between different geographical locations is commonplace.

Therefore, it would have been obvious to one with ordinary skill in the art combine the teachings of Nara and Ana indicating a communications system with the ability to recognize the first network with the switch as the international exchange 38 as the wholesale service provider that provides service to the second network, a retail

service provider 40 at a national level, which in turn provides services to its local subscribers as shown in Ramstrom, in order to gain the commonly understood benefits of such adaptations, such as reduced expense costs, simplified operation, and increased optimum performance and reliability.

Regarding **claims 8 and 18** Nara teaches the telecommunications system that obtains real-time availability information via update messages exchanged between network devices [Nara, Column 3, Lines 28-37], but fails to teach a software engine configured to receive the request for the inter-provider IP service, calculate pricing scenarios using the request, obtain real-time resource information, calculate real-time prices for each of the pricing scenarios using the real-time resource information and customize the cost information based on the knowledge of the identities of the first service provider and the second service provider, the request and the real-time prices.

Ramstrom et al disclose a method for calculating cost information by configuring software in the application service modules such as transaction manager and charging manager to generate a record of the cost to the subscriber's account [Ramstrom, Column 38, Lines 22-63, Column 41, Lines 45-56].

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Narayanan to include service application modules such as a transaction manager and a charging manager to serve as the means for calculating real time price scenarios as taught by Ramstrom et al based on service providers, requests, and real time prices. One is motivated as such to introduce new

technologies and upgrades constantly to the already existing telecommunication network by modifying the previously designed application modules [Ranstrom, Column 37, Lines 15-20].

Regarding **claim 9 and 19**, Nara teaches the telecommunications system comprising a database [See Nara, Figure 2, Elements 116, 118] for storing the real-time resource information [Nara, Column 5, Lines 6-12].

Regarding **claims 10 and 20**, Narayanan teaches the telecommunications system of Claim 9, wherein said means for provisioning includes an operational support system (i.e., processor 102, FIG. 2) connected to said software engine (i.e. routing software 114, FIG. 2) and said database (116, 118, FIG. 2), said operational support system being further configured to manage the inter-provider IP service in real-time [Nara, Column 4, lines 62-67].

Regarding **claim 21**, Nara teaches the method of provisioning service across networks by incorporating network infrastructure and resources in said provisioning (i.e. routers, public keys and SLAs), but fails to teach incorporating business relations among the at least two services providers dynamically and in real-time in said provisioning, wherein the business relations include at least contracts and prices; and

incorporating business objectives in said provisioning, wherein the business objectives include at least one of financial ratios, service volume and profitability

However, Ramstrom discloses the business relations between two service providers are outlined in dynamic real-time transactions where contracts and prices are created as a result of the business relation [Ramstrom, Column 41, Lines 45-56]. Business objectives are also present due to the telecommunication network being capable of supporting a variety of services such as ISDN, PSTN, and private network which are tailored to meet various business demands [See Ramstrom, Figure. 6]. Therefore, service volume for the different network nodes dictates one of the important aspects in business objectives. Furthermore, Ramstrom explain the goal of expanding functionality in a telecommunication system by upgrading hardware components and adding new software capabilities is often undesirable since telecommunication companies are interested in minimizing cost while maintaining the quality of service offered to their subscribers [Ramstrom, Column 2, Lines 36-42]. Ramstrom propose a method to reduce expenses by implementing application modules that can be programmed by software to support a variety of services as required by the different network [Ramstrom, Column 2, Lines 14-21].

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Narayanan to include business relations and business objectives in the provision of network services. One is motivated as such to provide necessary servicing functions to integrate functionality to existing application module via existing interfaces with new application modules via new interfaces

[Ramstrom, Column 41, Lines 35-39] and to enable efficacious growth of future communication services [Ramstrom, Column 42, Lines 27-31].

Regarding **claim 22**, the combination of Nara and Ana teaches the telecommunications system provisioning inter-provider IP services, such as the Exterior Gateway Protocol [Nara, Column 1, Lines 28-38], but fails to teach a unified and integrated switch connected to said first network and said second network, said unified and integrated switch is operable to add a portion of said common resources dedicated to the first logical communications node to the second logical communications node to provision the inter-provider IP service.

However, Ramstrom teaches a switch component [See Ramstrom, Fig. 6, Element 52] that connects a plurality of network nodes shown as elements 53, 54, 55, and 56. The switch 52 consists of application modules shown as elements 65, 66, and 67 to handle the functions of the plurality of networks connected to it. The switch further includes common resources 69 being provisioned to each network node [See Ramstrom, Fig. 6, Column 8, lines 30-52]. Additionally, Ramstrom shows that the switch can support different services for the many network nodes as long as the required software is added to the application modules [Ramstrom, Column 2, Lines 14-21]. Since the common resources are accessible by network modules, it is evident that the sources can be configured according to the service a particular network node is compatible with.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Nara and Ana, indicating a system of

networks implementing IP services, to include a switch for connecting the networks and for configuring the shared resources as taught by Ramstrom. The benefiting result of the combination would be the allowance of multiple specific telecommunication applications to be performed with optimum functionality within the same switch device [Ramstrom, Column 3, Lines 10-15].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0198815

US 2003/0144935

US 6,839,424

US 7,096,502

US 7,246,159

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONNIE SWEET whose telephone number is (571)270-3622. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. S./
Examiner, Art Unit 2419

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419